IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Habeas Corpus Writ Petition No. 04 of 2005

Kishore Singh Dhami,
S/o Sri Durga Singh Dhami,
Through its Mother Smt. Jeewanti Devi,
W/o Sri Durga Singh Dhami,
R/o Village Joshi Vihar, Post – Indra Nagar,
Haldwani, District Nainital …….. Petitioner

Versus

1. State of Uttaranchal through Secretary,
   Ministry of Home, Uttaranchal, Dehradun.
2. Director General of Police,
   Uttaranchal, Dehradun.
3. Inspector General of Police,
   Kumaon Region, Nainital.
4. Senior Superintendent of Police, Almora.
5. District Magistrate, Almora.
6. Senior Superintendent of Police,
   Nainital. …….. Respondents

Coram: Hon. V.S. Sirpurkar, C.J.
Hon. Prafulla C. Pant, J.

(Per Hon'ble the Chief Justice)

1. The Assistant Government Advocate says that the concerned detenue is not in their detention, much less in illegal detention. The Assistant Government Advocate files a counter affidavit suggesting that the detenue, namely, Kishore Singh is not in their custody, as he was never arrested. He was, merely, called for interrogation and was, thereafter, allowed to go back. The learned counsel for the petitioner is absent. Therefore, we have no reason to disbelive this contention of the learned Assistant Government Advocate.

2. Since the alleged detenue is not a anybody's custody, much less respondents' custody, the writ petition is dismissed.

(P.C. Pant, J.) **(V.S. Sirpurkar, C.J.)**
04.03.2005 **04.03.2005**

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